

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

vs.

JAMES E. HIVES,

Defendant.

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CRIMINAL ACTION 1:06-00138-KD-C

ORDER

This matter is before the Court on defendant James E. Hives' *pro se* motion for early termination of supervised release term (Doc. 196). On August 17, 2006, Hives pleaded guilty to Count 2 of the Indictment, which charged conspiracy to possess with intent to distribute cocaine in violation of 21 U.S.C. § 846. (Doc. 114). On February 22, 2007, Hives was sentenced to a term of 43 months in prison, followed by a term of 4 years of supervised release. (Doc. 169).

Title 18 U.S.C. § 3583(e)(1) permits the Court to terminate a term of supervised release at any time after a defendant has completed at least one year of supervised release if the Court is satisfied that such action is 1) warranted by the conduct of the defendant and 2) is in the interest of justice. In making this determination, the Court is directed to consider the factors set forth in 18 U.S.C. § 3553(a), to the extent they are applicable.

The Court has considered the supervising probation officer's recommendation for early termination and the § 3553(a) factors. The officer reports that Hives has completed approximately 32 months of his supervised release term, during which he has successfully completed outpatient drug treatment and an extensive urinalysis program, has remained employed, and has reported and submitted monthly report forms when and as instructed by the officer. The officer has also spoken with the Government, who expressed no objection to the

motion for early termination. Upon consideration, the Court finds that early termination of Hives' supervised release term is warranted by his conduct and in the interest of justice. Pursuant to Federal Rule of Criminal Procedure 32.1(c), no hearing is required on this matter because the Government does not object to the termination.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that defendant James E. Hives' motion for early termination of supervised release term (Doc. 196) is **GRANTED** such that the term of supervised release imposed on February 22, 2007, is **TERMINATED**.

The Clerk of the Court is **DIRECTED** to mail a copy of this order to the defendant at 221 Montgomery Street, Prichard, Alabama 36610.

DONE and **ORDERED** this the 4th day of **August 2011**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE